

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 EB-08 L-03 CG-00 DOTE-00 TRSE-00
AID-05 CEA-01 CIAE-00 COME-00 FRB-01 INR-07
NSAE-00 EPG-02 SP-02 STR-04 LAB-04 SIL-01 OMB-01
/052 R

DRAFTED BY EUR/RPE C K STOCKER/L/EB J R CROOK:VF
APPROVED BY EB/MA R BANK
CG/OM L C ANDERSON
TREAS/CUSTOMS W HART
EUR/RPE P L LAASE

-----085647 262024Z /65

P 261950Z JUL 77
FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS PRIORITY
AMEMBASSY LONDON PRIORITY
INFO AMEMBASSY PARIS PRIORITY

UNCLAS STATE 174673

E.O. 11652: N/A

TAGS: EEC, ENRG

SUBJECT: EC DEMARCHE ON EXTENSION OF JONES ACT TO COVER
INFLATABLE RAFTS

REF: STATE 170946

1. PROBLEM OF US GOVERNMENT REGULATION OF FOREIGN BUILT
WHITE WATER RAFTS HAS COMPLICATED BACKGROUND. IN BRIEF, US
CUSTOMS SERVICE HAS RECENTLY WRITTEN TO CONGRESSWOMAN HOLT
TAKING THE POSITION THAT UNDER 46 USC SECTION 11, THE
PANAMA CANAL ACT OF 1912, AND RELATED REGULATIONS, FOREIGN
BUILT RAFTS CANNOT ENGAGE IN COMMERCIAL CARRIAGE OF
PASSENGERS BETWEEN POINTS ON THE NAVIGABLE WATERS OF THE
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UNITED STATES. CUSTOMS VIEWS APPLICATION OF THESE LAWS AND
REGULATIONS AS A MATTER OF LONGSTANDING LEGAL PRINCIPLES TO
A NEW SITUATION RATHER THAN AS EXTENSION OF THE LAW. (FYI-
ALTHOUGH THE LAWS BEING APPLIED ARE LOOSELY REFERRED TO AS
THE "JONES ACT", PROVISIONS OTHER THAN THOSE CONTAINED IN
JONES ACT ARE VIEWED BY CUSTOMS TO BE CONTROLLING. END FYI)

2. COAST GUARD REGULATIONS REQUIRE THAT AS A CONDITION FOR INSPECTION AND CERTIFICATION, VESSELS CARRYING 7 OR MORE PASSENGERS MUST COMPLY WITH ALL RELEVANT FEDERAL LAWS. A FOREIGN BUILT RAFT CANNOT SATISFY THE LAWS RELATING TO

PARTICIPATION IN THE COASTWISE TRADES, AND ACCORDINGLY IS NOT ELIGIBLE FOR CERTIFICATION. COMMERCIAL OPERATION WITHOUT A SAFETY CERTIFICATE DOES EXPOSE OPERATOR TO PENALTIES.

3. COAST GUARD HAS NOT HERETOFORE ENFORCED ITS INSPECTION REQUIREMENTS ON RAFTS, SINCE REGULATIONS DESIGNED FOR OTHER SMALL PASSENGER VESSELS COULD NOT PRACTICALLY BE ENFORCED ON RAFTS. HOWEVER, COAST GUARD HAS RECENTLY INITIATED DEVELOPMENT OF A REGULATORY PROPOSAL FOR RAFT INSPECTION. THIS PROPOSAL HAS BEEN DISCUSSED WITH INDUSTRY; THESE DISCUSSIONS MAY BE THE SOURCE OF RECENT ATTENTION TO MATTER BY FOREIGN GOVERNMENTS. COAST GUARD PROPOSAL HAS BEEN UNDER INTENSIVE DISCUSSION WITHIN DEPARTMENT OF TRANSPORTATION AND IT IS NOT PRESENTLY CLEAR WHETHER ANY ACTION WILL BE TAKEN TO INCREASE COAST GUARD'S ACTIVITIES IN AREA OF RAFT INSPECTION.

4. THERE ARE AT LEAST THREE BILLS CURRENTLY PENDING IN CONGRESS TO ADD PROVISOS TO THE JONES ACT EXEMPTING INFLATABLE RAFTS FROM COASTWISE TRADE RESTRICTION. THE UNCLASSIFIED

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DEPARTMENT IS LOOKING INTO THE POSSIBILITY OF SENDING OM0 AN UNSOLICITED FAVORABLE OPINION ON ONE OF THE PENDING BILLS.

5. LONDON: BLACK SHOULD INFORM A PRYOR OF ABOVE IN RESPONSE TO HIS QUESTIONS POSED TO BANK TWO WEEKS AGO. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, MARINE TRANSPORTATION, CANALS
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Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Drafter: VF
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: STATE
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Office: ORIGIN EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 170946
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1743728
Secure: OPEN
Status: NATIVE
Subject: EC DEMARCHE ON EXTENSION OF JONES ACT TO COVER INFLATABLE RAFTS
TAGS: ENRG, US, EEC
To: BRUSSELS LONDON
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/1e1b8663-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009